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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,368	04/01/2004	Nicolai Bohm	101769-252/tesa AG 1633-W	9771
27386 7590 09/17/2007 NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER ZIRKER, DANIEL R	
			ART UNIT 1771	PAPER NUMBER
			MAIL DATE 09/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 5-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP '053 taken either individually, or in view of the Macromolecules 1995 article by White et al, cited as evidence of the state of the art, substantially for reasons of record with respect to the teachings of the various reference(s), together with the following additional observations. More particularly, applicants in order to avoid the 35 USC 112, 1st paragraph lack of enablement rejection set forth in the last Office Action, Paper No. 20070531, have cancelled the polyisobutylene molecular weight range found in the independent claim. This, however, has had the effect of broadening the resultant claimed invention. Accordingly, the previously relied upon EP '053 now appears to teach an anticipation of the claimed self adhesive layer composition found in at least the broad independent claim except for a specific recitation of the weight ratio between the chosen elastomer (polyisobutylene) and butyl rubber. More particularly, the reference clearly discloses a paint film protective sheet comprising a suitable supporting thermoplastic polymeric substrate having coated on one of its surfaces (page 3, lines 15-33, particularly lines 31-33) an adhesive mixture which can comprise a mixture of polyisobutylene and butyl rubber, which is substantially all that the independent claim requires. Note that the claimed isoprene content of the butyl rubber is believed to be inherent, and the weight ratio of the two adhesive forming elements is at most an obvious optimization to one of ordinary skill in the paint protective sheet art. Alternatively with respect to the isoprene content of the butyl rubber issue note again

that the state of the art Macromolecules article teaches (Abstract, pg 3290, 1st paragraph) that butyl rubber is a copolymer of isobutylene possessing 1-3 mol% isoprene. With respect to the dependent claims 17 which requires a lower, i.e. 10 wt % amount of elastomer content this is believed to be a routine optimization and as for claim 19 which requires that the polyolefin copolymer member of the claim 1 Markush be either EPM or EPDM note EP '053 at page 7, line 36, which teaches that poly alpha olefins may be used in the adhesive composition and which comprise members of applicants' claim 1 Markush grouping. Other parameters that are not either expressly or inherently disclosed are each believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Daniel Zirker/
Primary Examiner, Art Unit 1771